

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Western Thrift and Loan Corp.,

Plaintiff,

v.

Civil No. 11-03644 (JNE/TNL)  
ORDER

Sebastian Rucci,

Defendant.

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In a Report and Recommendation dated September 3, 2013, the Honorable Tony N. Leung, United States Magistrate Judge, recommended that Plaintiff's motion for summary judgment be denied [ECF No. 72]. Plaintiff objected on September 17, 2013 [ECF No. 74].

The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court agrees that there is a genuine issue of material fact and adopts the Magistrate Judge's Report and Recommendation.

Therefore, IT IS ORDERED THAT:

1. Plaintiff's Motion for Summary Judgment [ECF No. 47] is DENIED.

Dated: September 20, 2013

s/Joan N. Ericksen  
The Honorable Joan N. Ericksen  
United States District Judge